

REMARKS

Applicant hereby responds to the Office Action of April 16, 2008. Applicant thanks the Examiner for carefully considering the application.

Status of Claims

Claims 1-6, 8-15, 17-25, 27 and 28 are pending in the above-referenced patent application. Claims 1, 10, and 20 are independent.

Claims 1-6, 8-15, 17-25, 27 and 28 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application No. 20060200253 (“Hoffberg”).

Claim Amendments

Claims 1, 10 and 20 are amended for clarification purposes. Therefore, no further search or examination is necessary. No new matter is added.

Rejection under 35 U.S.C. 102

Rejection of claims 1-6, 8-15, 17-25, 27 and 28 is respectfully traversed because, for at least the following reasons, Hoffberg does not disclose all of the claimed limitations.

According to MPEP §2131,

'[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.' (Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). 'The identical invention must be shown in as complete detail as is contained in the ... claim.' (Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, *i.e.*, identity of terminology is not required. (In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)).

Independent claims 1, 10, and 20 of the present application each require, in part, "obtaining the device information *directly* from one or more of the devices currently connected to the network; (b) generating dynamically a top page user interface description based at least on the obtained device information" (emphasis added). By contrast, Hoffberg fails to disclose at least these claimed limitations.

The instant Office Action asserts that Hoffberg discloses obtaining information from one or more of the devices currently connected to the network, wherein each device contains device information including user control interface description for user interaction with that device, and cites paragraph [0971]. Applicant has amended the claims to recite "*directly* obtaining information from one or more of the devices." In Hoffberg, paragraph [0971] only discloses a VCR interface. It is the paragraphs that follow paragraph [0971] that describe the VCR interface. In paragraph [0975] Hoffberg discloses that the device identifies each user by an external identification, such as a keyboard, bar code, magnetic code, smart card RF-ID or IR-ID, voice

recognition or fingerprint identification. Moreover, the information that the device obtains relates only to the *user*, not the device. Further, even if the user uses a smart card to identify the user, the additional information Hoffberg refers to is a user profile, which clearly only relates to user preferences.

It is also asserted in the Office Action that the Abstract of Hoffberg recites that an Internet appliance contains multiple interfaces in a single housing. It is clear from the Abstract of Hoffberg that the interfaces that are recited are to connect specific types of devices to the Internet appliance just as a computer contains multiple interfaces to connect a display, keyboard, pointing device, USB devices, etc.

Additionally, the instant Office Action asserts that paragraphs 0818-0820 of Hoffberg disclose using the selected link to access the associated device and use “the control interface description contained in the selected device” to generate a device user interface for user interaction with that selected device. Applicant respectfully disagrees. The relevant portions of Hoffberg read:

[0818] As applied to a multimedia database storage and retrieval system, the user programs, through an adaptive user interface according to the present invention, **the processing of data**, by defining a criteria and the actions to be taken based on the determination of the criteria. The criteria, it is noted, need not be of a predefined type, and in fact this is a particular feature of the present invention. A pattern recognition subsystem is employed to determine the existence of selected criteria. ...

[0819] The potential significant hardware requirement for image processing and pattern recognition is counterbalanced by the enhanced functionality available by virtue of the technologies. When applied to multimedia devices, the interface system allows the operator to define complex criteria with respect to image, abstract or linguistic concepts, which would otherwise be difficult or impossible to formulate. Thus, **the interface system becomes part of a computational system** that would otherwise be too cumbersome for use.

[0820] **A pattern recognition subsystem allows a "description" of an "event"** without explicit definition of the data representing the "event". Thus, instead of requiring explicit programming, an operator may merely define parameters of the desired "event". This type of system is useful, for example, where a user seeks a generic type of data representing a variety of events. ... (Emphasis added)

From the above passages, it is clear that Hoffberg uses *a pattern recognition subsystem* to process the data, and thus has to determine the description used for the interface. Indeed, Hoffberg is silent with respect to the claimed "control interface description," which is "contained in the selected device" and directly obtained from the device. Hoffberg does not teach using "the control interface description contained in the selected device" to generate the device user interface as claimed.

In view of the above, Hoffberg fails to disclose all of the claimed limitations of independent claims 1, 10, and 20 of the present application. Thus, independent claims 1, 10, and 20 of the present application are patentable over Hoffberg for at least the reasons set forth above. Dependent claims are allowable for at least the same reasons.

Regarding dependent claims 2, 11 and 21, Applicant further respectfully submits that

Hoffberg fails to disclose the additional limitations of “a pointer from the top page user interface description to at least the device information in an associated device.” As discussed above, Hoffberg teaches an intelligent interface that does complex data processing and analysis to generate the interface by extracting data from many different sources and storing the extracted data at a central location, and such interface does not provide a direct “pointer” to at least the “device information in an associated device” as does the claimed invention. Applicant notes that the term “pointer” as used in the art of computer science “points” to an address of another, just like a “link” can be added to an image and posted on the Internet so when someone “clicks” on the image the “link” or “pointer” directs the user to the URL that is linked or pointed to.

Further, in making the rejection, the instant Office Action has relied upon paragraph 0830 of Hoffberg. However, paragraph 0830 of Hoffberg merely mentions a learning and adaptive interface that detects events and makes decisions based on known or predetermined characteristics. The remainder of Hoffberg does use the phrase “pointer,” but in a completely different context. That is, the pointer (e.g., finger) of Hoffberg refers to a position as detected by a position sensor (see, e.g., paragraph [0012]). Thus, dependent claims 2, 11 and 21 are allowable for at least these additional reasons.

Regarding dependent claims 6, 15 and 25, Applicant further respectfully submits that, contrary to the assertions made in the instant Office Action, Hoffberg does not teach the

additional limitations that “the device information in each device includes device identification information for that device.” The instant Office Action has relied upon paragraph [0831] of Hoffberg to make the rejection. However, paragraph [0831] of Hoffberg merely discusses intelligent program recognition and characterization system for identifying channel and time of programs, not the “device identification information” as claimed. Thus, dependent claims 6, 15 and 25 are allowable for at least these additional reasons.

Regarding dependent claims 8, 17 and 27, Applicant further respectfully submits that, contrary to the assertions made in the instant Office Action, Hoffberg does not teach the additional limitations that “each link in the top page user interface description provides direct access to at least the user control interface description in each associated device.” The instant Office Action has relied upon paragraph [0815] of Hoffberg to make the rejection. However, as discussed above, paragraph [0815] of Hoffberg teaches data stored in a central database, or as a part of a data stream, but does not teach that the data is stored *in the individual device and is directly accessed*. Thus, dependent claims 8, 17 and 27 are allowable for at least these additional reasons.

Regarding dependent claims 9, 18 and 28, Applicant further respectfully submits that, contrary to the assertions made in the instant Office Action, Hoffberg does not teach the additional limitations that “the top page user interface description further includes device data

corresponding to each device.” The instant Office Action has relied upon paragraph [0836] of Hoffberg to make the rejection. However, paragraph [0836] of Hoffberg discusses making use of unused available spectrum bandwidth within the NTSC channel space, or other broadcast system channel space, and is not relevant to the “device data corresponding to each device” as claimed. Thus, dependent claims 9, 18 and 28 are allowable for at least these additional reasons.

Regarding claim 19, the instant Office Action refers to paragraphs [0801]-[0802] of Hoffberg and asserts that Hoffberg discloses the additional limitations of “using each link in the top page user interface description to access the device information in each corresponding device.” Applicant respectfully disagrees. Indeed, paragraphs [0801]-[0802] of Hoffberg are not relevant to the claimed limitations and read:

[0801] The present invention provides, according to one embodiment, an adaptive user interface which changes in response to the context, past history and status of the system. The strategy employed preferably seeks to minimize, for an individual user at any given time, the search and acquisition time for the entry of data through the interface.

[0802] The interface may therefore provide a model of the user, which is employed in a predictive algorithm. The model parameters may be static (once created) or dynamic, and may be adaptive to the user or alterations in the use pattern.

The above passages of Hoffberg discusses a predictive model for an interface, but is silent with respect to “using each link in the top page user interface description to access the device information in each corresponding device” as claimed.

In view of the above, withdrawal of the rejections of all pending claims is respectfully requested.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all of the claims are allowable. Applicant hereby reserves the right to present further arguments and/or amendments in support of allowance of the claims. If it is believed that a telephone interview will help further the prosecution of this case, Applicants respectfully request that the undersigned attorney be contacted at the listed telephone number.

Please direct all correspondence to **Myers Dawes Andras & Sherman LLP**, 19900 MacArthur Blvd., 11th Floor, Irvine, California 92612.

Respectfully submitted,

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Michael Zarrabian
Reg. No. 39,886
Myers Dawes Andras & Sherman, LLP
19900 MacArthur Boulevard, 11th Floor
Irvine, CA 92612
Tel: (949) 223-9600
Fax: (949) 223-9610
Customer No.: 23386